

FILED 19 JUN '17 11:46 USDC-ORP

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ROBERT WOODROFFE, Case No. 2:15-cv-02390-SB  
Plaintiff, DEFENDANT KING'S  
DECLARATION IN SUPPORT  
V. OF DEFENDANT  
ELLEN ROSENBLUM, et al., KING'S MOTION  
Defendant's. TO REVOKE THE  
PLAINTIFF'S  
WAIVER OF FEES

I Robert H. KING, JR., defendant  
Pro Se, hereby declare:

1. I am an inmate incarcerated,  
(incarcerated) in the OREGON Department  
of Corrections (ODOC). I AM incarcerated  
at the SNAKE RIVER Correctional Institution  
(SRCI).

2. I make this declaration from

1 A combination of Personal Knowledge  
 2 And in Reliance on the Public Records  
 3 And Court Records attached to both  
 4 (Attached) in the "DEFENDANT KING'S  
 5 MOTION TO REVOKE PLAINTIFF'S WAIVER  
 6 OF FEES and also attached as exhibits  
 7 hereto.  
 8

9 3. I MAKE this declaration in  
 10 Support of "Defendant King's Motion  
 11 To Revoke Plaintiff's Waiver of Fees.  
 12

13 4. Plaintiff, Robert Woodroffe,  
 14 inmate 5631215 (ODOC) is an inmate  
 15 in the custody of the OREGON DOC (ODOC).  
 16 Plaintiff has been in ODOC custody since  
 17 April 21, 1995. See Exhibit #1 - OREGON  
 18 OFFENDER SEARCH Public  
 19 information screen for  
 20 Robert Craig Woodroffe  
 21 5631215.  
 22  
 23

24 5. Plaintiff, while in custody

1 has been declared by Court Order  
 2 A Vexatious Litigant. Malheur County,  
 3 Oregon, Case No 15CV1047. See Exhibit  
 4 #2. Order Declaring Plaintiff  
 5 A Vexatious Litigant.  
 6  
 7 June 2, 2015.

8  
 9 6. Plaintiff while in custody  
 10 has had his fee waivers revoked,  
 11 cases dismissed and declared a  
 12 "3 Strikes" litigant. Umatilla County,  
 13 Oregon, Case No. CR140812. See Exhibit  
 14

15  
 16 #3. Court's Order Regarding State  
 17 Defendants Motion to Vacate  
 18 Fee Waiver — GRANTED with  
 19 Order Allowing Plaintiff 30  
 20 Days to Cure. May 07, 2015.  
 21 General Judgment of Dismissal - 06/23/15.  
 22 Order of Dismissal - 06/23/15.  
 23

24 ///

1           7. While in custody, Plaintiff  
 2 has filed numerous fraudulent, vexatious,  
 3 Sham, frivolous lawsuits against State  
 4 Defendants, corrections staff, lawyers,  
 5 Judges, and inmates-et AL. Some of  
 6 the "3 strikes - Vexatious litigant Plaintiff's  
 7 litigation history is outlined in the  
 8 Attached Exhibit #4. See Exhibit #4

11           "Declaration of Shannon Vincent  
 12 Umatilla Case No CV140812  
 13 March 04, 2014."  
 14

15 This Exhibit #4, also shows the three  
 16 cases that were dismissed in the U.S.  
 17 District Court - Oregon, that thus  
 18 classifies Plaintiff as a 3 strikes litigant  
 19 and Proves Plaintiff IS NOT eligible  
 20 for a free fee Waiver. See Exhibit #4:  
 21

22 A. Case No. 3:05-cv-00977-MO / U.S. District Court - Oregon

23 B. Case No. 2:13 -cv-00403-SI / U.S. District Court - Oregon

24 C. Case No 2:12-cv-00124 -SI / U.S. District Court - Oregon

1 All (3) three cases [ A, B, C. on page 4 ]  
2 were dismissed prior to this case for  
3 being frivolous and for failure to  
4 state a claim. This is further  
5 proof Plaintiff cannot receive a  
6 free fee waiver in this case as  
7 under 28 U.S.C. § 1915 (g) he  
8 (Plaintiff) IS NOT eligible for a  
9 fee waiver.  
10  
11  
12  
13

14 8. Plaintiff an inmate at  
15 the Two Rivers Correctional Institution  
16 (TRCI) has a Prolific litigation  
17 history in the State of Oregon in  
18 both State Court and Federal Court.  
19 Plaintiff has filed Dozens of Sham  
20 lawsuits against numerous State Defendants  
21 corrections staff, lawyers and inmates, et al.,  
22  
23  
24

1 and well over (3) three of the  
2 Plaintiff's Sham lawsuits or actions  
3 were dismissed on the Grounds they  
4 were frivolous and or failed to  
5 state a claim. There were (3)  
6 three cases dismissed in federal  
7 Court (U.S. District Court - Oregon) and  
8 (3) three cases dismissed in State  
9 Court and all total Plaintiff is  
10 a "3 strikes" litigant in State  
11 Court [see Exhibit #3] and a  
12 three strikes litigant in federal  
13 Court as well. Accordingly, the  
14 Court's order waiving Plaintiff's  
15 fees must now be Revoked.

16  
17  
18  
19  
20  
21  
22  
23  
24 More detail about the lawsuit

1 dismissals and plaintiffs' prolific  
2 vexatious litigation history is  
3 outlined in Exhibit #4, which  
4 is the Declaration of Shannon  
5 Vincent, Senior Assistant Attorney  
6 General for the State of Oregon.  
7  
8

9 Exhibit #4, shows as of March  
10 04, 2015, the Vexatious Litigant Plaintiff,  
11 Sued over 140 state defendants in  
12 state and Federal Court, in Sham  
13 lawsuits in civil litigation and all  
14 140 defendants were dismissed from  
15 Plaintiffs sham lawsuits on the  
16 grounds that Plaintiffs claims were  
17 either frivolous or failed to state  
18 a claim. This court must read Exhibit  
19 #4, to see proof of the "3 strikes",  
20  
21  
22  
23  
24



1 conduct and see how Plaintiff  
2 is Not eligible for a Fee Waiver.  
3 Accordingly, as stated the Courts  
4 order Waiving Plaintiffs Fees must  
5 now be Revoked under 28 U.S.C. §  
6 1915 (g) by law.

7  
8  
9  
10 9. Plaintiffs fee waivers must  
11 be Revoked as also Plaintiff has  
12 not alleged that he is in any  
13 imminent danger of Serious Physical  
14 injury. Plaintiff for the Record  
15 is housed in the TRC1 - Protective  
16 Custody Unit. Under 28 U.S.C. §1915(g),  
17 the only exception to the Rule on fee  
18 waivers is where "the inmate establishes  
19 in the application for waiver or deferral  
20 that the inmate is in imminent danger  
21  
22  
23  
24



1 of serious physical injury and the  
2 action is needed to seek relief from that  
3 danger 28 U.S.C. § 1915 (g). This is not  
4 such a case. Plaintiff in this case  
5 is seeking money damages. Again, the  
6 Plaintiff has not alleged that he  
7 is in any imminent danger of  
8 serious physical injury.  
9  
10  
11

12 10. Plaintiff has a history  
13 of filing fraudulent or false  
14 litigation claims. In Exhibit # 5,  
15 Ms. Brenda Coughenower, A Paralegal  
16 for the State of Oregon, Department  
17 of Justice, Trial Division wrote to  
18 the Presiding Judge with the Umatilla  
19 County, Oregon Circuit Court, stating  
20 in her Factual Chronology, on April 24, 2012,  
21  
22  
23  
24

1 on Page 2 of 3 in the fourth (4<sup>th</sup>)  
2 Paragraph, stating in the official  
3 Document to the court in case  
4 No SC120042 Woodroffe v. State,  
5  
6

Exhibit 5.

7 ((  
8 ... inmates housed in the ASU  
9 Unit were engaging in  
10 illicit activities that included  
11 Running a scheme to trade  
12 and or sell prescription medications.  
13 Part of the scheme was filing  
14 false or fraudulent missing  
15 property claims to defraud  
16 the state out of money. ON  
17 November 04, 2011, the investigation  
18 was completed and MR. Woodroffe  
19 was issued a misconduct Reported  
20 [ convicted ] [ found guilty ] and  
21  
22  
23  
24

1 Sanctioned for participating  
2 in this [fraudulent lawsuit]  
3 Scheme."  
4

5 This clearly establishes the Plaintiff  
6 has also committed fraud in his,  
7 Past litigation, and was found  
8 guilty of doing so and the case  
9 was dismissed. See Exhibit # 5.  
10  
11

12 I bring this up because the  
13 Plaintiff has an established history  
14 of lying to the courts and has  
15 been caught lying and committing  
16 fraud. The Plaintiff is living in  
17 the safest location in the Oregon  
18 DOC in the TRCI Protective Custody  
19 Unit so he is not in any imminent  
20 danger of serious physical injury nor has  
21  
22  
23  
24  
Page 11 of 24 Defendant King Declaration - Revoke Plaintiff Fee Waiver

1 Plaintiff alleged in his complaint  
2  
3 NOR application for Fee Waiver that  
4 he is in any imminent danger of serious  
5 physical injury. The Rule is mandatory  
6 under 28 U.S.C. § 1915 (g.) and by law  
7 Requires that an inmates fee waiver  
8 or fee deferral status be Revoked  
9  
10 where the inmate has had three (3)  
11 or more strikes within the Rule as  
12 the Plaintiff has prior to this action  
13 being filed. Accordingly, Again, I state  
14 that this Courts Order waiving plaintiffs  
15 fees must Now be Revoked.

16  
17  
18  
19 II. In Exhibit #6 this  
20  
21 court will see further Proof why  
22 the courts order waiving Plaintiffs  
23 fees must Now be Revoked.  
24

1 Exhibit #6 is;

2 "State Defendants' Motion  
3 to Revoke Plaintiff's Waiver  
4 of Fees.  
5  
6

7 Case No. CV140812

8 Umatilla County Circuit Court

9  
10 Filed March 04, 2015 by Senior  
11 Assistant Attorney General Shannon  
12 Vincent." Oregon DOJ.

13  
14 Exhibit #6 was successful, "it won"  
15  
16 and as a result of Exhibit #6, you see  
17 in Exhibit #3 the Plaintiff's fee  
18  
19 Waivers were Revoked in three (3)  
20  
21 cases Case No. CV140812, Case No. CV140914,  
22  
23 and Case No CV141611, all in Umatilla  
24 County Circuit Court, See Exhibit #3.

1 Therefore this Court has Proof  
 2 before it that Plaintiff has been  
 3 found to be a "3 strikes litigant",  
 4 and has had his fee waivers  
 5 Revoked before in State Court  
 6 See Exhibit # 3, See Exhibit # 4.  
 7

8  
 9 The Above listed and Attached  
 10 hereto Exhibit # 3, and Exhibit # 4  
 11 also prove the Plaintiff has Three (3)  
 12 Prior Strikes in the U. S. District  
 13 Court and accordingly, the courts  
 14 order waiving plaintiffs fees must  
 15 now be Revoked. 28 U.S.C. § 1915 (g).  
 16  
 17  
 18  
 19  
 20

21 **12.** In Exhibit # 7. Attorney  
 22 Jeremy Hindman Oregon State BAR #133864,  
 23 stated in his declaration, in the Malheur  
 24 case No 15CV1047, that he (Hindman), did a  
 Page 14 of 24 Declaration of Defendant King - Revoke Plaintiff Fee Waiver

1 Comprehensive Search of the Oregon  
 2 Judicial Department Information Network  
 3 (OJIN) which Revealed as of April  
 4 03, 2015, the Vexatious litigant Plaintiff  
 5 has Filed 38 Separate lawsuits against  
 6 Approximately 282 separate defendants. The  
 7 OJIN Search in Exhibit #7 Shows  
 8 Plaintiff Woodruff filed one lawsuit in  
 9 the U.S. District Court in federal court  
 10 in which he (Woodruff) sued sixty (60)  
 11 defendants. In the Attached Exhibit #7,  
 12 Attorney Hindman, confirms on Page 3 Section  
 13 8. that many of Plaintiff Woodruff's cases  
 14 [more than 3] were dismissed because  
 15 the sham lawsuits were frivolous and  
 16 or failed to state a claim. In several  
 17 cases Plaintiff Woodruff, even sued parties  
 18 who by law were immune. This Exhibit #7  
 19 further supports that the Plaintiff is a "3  
 20 strikes litigant" and is not eligible to Receive  
 21 a free fee waiver in this current case.



1 In Exhibit #7 ;

2  
3 " Declaration of Jeremy  
4 Hindman IN Support of  
5 Motion to Declare Plaintiff  
6 A Veracious litigant "

7  
8 in this Exhibit #7 this Federal Court  
9 will see five (5) pages of separate  
10 lawsuits Plaintiff Robert Woodroffe had  
11 filed as of April 03, 2015 and more  
12 lawsuits have since been filed since  
13 the writing of Exhibit #7. This Exhibit  
14 #7 also contains the two (2) letters  
15 inmate Plaintiff Woodroffe sent to Attorney  
16 Mahoney wherein the Plaintiff makes threats  
17 in writing against Defendant King. Plaintiff  
18 threatened Defendant King on two (2) occasions.  
19 Also in this Exhibit #7 is proof Plaintiff  
20 Received a Prison misconduct Report for making  
21  
22  
23  
24

1 threats against defendant King.

2  
3 13. In Exhibit #8 attached  
4  
5 "Motion to Declare Plaintiff  
6 A Vexatious Litigant"

7 in Exhibit #8 on Pages 5 and 6  
8  
9 the court will see proof the Plaintiff  
10 had three (3) prior cases dismissed  
11 as frivolous and or failed to state  
12 a claim before he (Plaintiff) filed this  
13  
14 [2:15-cv-02390-SB] lawsuit meaning,  
15  
16 now this court order on fee waivers  
17 must be revoked. Plaintiff prior to  
18 filing this lawsuit was a "3 Strikes  
19 litigant" and Plaintiff prior to filing  
20 this lawsuit had (3) three strikes  
21 in U.S. District Court. Plaintiff is  
22 not eligible under 28 U.S.C. § 1915(g) to now  
23  
24

1 Receive or keep a free fee waiver  
 2 in this case. Accordingly, Now, by  
 3 Law, the court's order waiving plaintiff's  
 4 fees in Case No 2:15-cv-02390-SB,  
 5 this case must Now be Revoked and  
 6 service upon defendant King Revoked and  
 7 the case against defendant King dismissed.  
 8  
 9

10 14. The Plaintiff has a pattern  
 11 of having Motions for fee waivers denied  
 12 and a pattern for having Dozens and  
 13 Dozens of PRIOR cases dismissed as  
 14 frivolous and for failure to state a claim.  
 15

16 In Exhibit # 9;

17 "ORDER Denying Plaintiff's  
 18 Motion for Waiver or  
 19 Deferral of Fees and  
 20 Costs for Indigents."  
 21  
 22  
 23

24 In this exhibit the court will see

1 having fee waivers denied or Revoked  
2 is nothing new to Plaintiff. In  
3 Exhibit # 3 plaintiffs fee waivers  
4 were Revoked in three (3) Separate  
5 cases at the same time. In Exhibit # 9  
6 plaintiff had his Motion for fee  
7 Waiver or deferral of fees denied and  
8 in Exhibit # 4, Exhibit # 7 and  
9 Exhibit # 8, the court documents all  
10 Refer to a case in this United States  
11 District Court, Case No 3:13-cv-403-SI  
12 in which U.S. District Court Judge, The  
13 Honorable Judge Michael H. Simon on  
14 October 25, 2013 issued an order of  
15 the U.S. District Court - for Oregon,  
16 that was titled as follows;

1 " ORDER finding Appeal to be  
 2 Frivolous and Revoking  
 3 IN Forma Pauperis Status  
 4 ON Appeal!"  
 5

6 The Court Stated in this case :

7 Case No 3:13-cv-403-SI

8 Case No 2:13-cv-00403-SI

9 Wadroffe v Kitzhaber, et al.  
 10

11 Failure to State A claim

12 Frivolous

13 IN Forma Pauperis Status Revoked

14 Appeal legally Frivolous

15 Appeal in Bad Faith

16 Fee Waiver Denied  
 17  
 18  
 19

20 In this case [2:13-cv-02390-SB],  
 21 the Plaintiff has not alleged that he  
 22 is in any imminent danger of serious physical  
 23 injury. Plaintiff and Defendant King are  
 24

1 at separate prisons some approximately  
2 200 miles apart. Plaintiff is housed  
3 in the ODOC - TRCI Protective Custody  
4 Unit and could not and cannot be in  
5 any imminent danger of serious physical  
6 injury from defendant King. Plaintiff  
7 has not alleged that he is in any imminent  
8 danger of serious physical injury.  
9

10 Plaintiffs vexatious litigation history  
11 against the State of Oregon, against state  
12 employees, and against defendant King includes  
13 well over three actions that were dismissed  
14 because the case was frivolous or failed to  
15 state a claim. The three prior cases  
16 dismissed for being frivolous and or failure  
17 to state a claim in Federal Court are listed  
18 in and attached to this declaration.  
19  
20

21 Fee waivers and fee deferrals are  
22 a privilege, not a right and the  
23 Notorious Vexatious litigant Robert Woodruffe  
24

1 has abused his privilege by  
 2 bombarding the State Courts and Federal  
 3 Courts with Sham lawsuits, that have no  
 4 merit, yet require the State and Federal  
 5 Government to spend taxpayer dollars to defend.

6 In light of 28 U.S.C. § 1915 (g) and  
 7 In light of the plaintiffs voluminous - sham-  
 8 and Abusive - litigation history, and in light  
 9 of Plaintiffs three (3) PRIOR Strikes in the  
 10 Federal Courts, the Plaintiff should Not  
 11 be permitted to avail himself of the United  
 12 States / Federal Courts without first paying  
 13 the Required fees.

14 Defendant King, has proven to this  
 15 Honorable Court that the Plaintiff has  
 16 three prior strikes under 28 U.S.C. § 1915 (g).

17 Plaintiffs Vexatious litigation pattern  
 18 is precisely why 28 U.S.C. § 1915 (g) exists  
 19 and was designed to curtail Plaintiffs  
 20 type of Sham Vexatious litigation.

21 Taxpayers should not be Responsible  
 22 for subsidizing plaintiffs Filing Fees.

23 Plaintiff is an extreme example  
 24 of a three (3) strikes - vexatious litigant  
 and this Court should prevent his continued



1 Abuse of this Federal Court System  
 2 by ordering that the plaintiffs fee  
 3 waivers or deferral of fees is Revoked  
 4 and so state in its order that the  
 5 plaintiff, per 28 U.S.C. § 1915 (g) is  
 6 forever barred from receiving any fee  
 7 waivers or deferral of fees and his  
 8 In forma Pauperis Status is forever  
 9 Revoked and denied unless Plaintiff  
 10 can prove beyond a scintilla of a doubt  
 11 that he is in actual imminent danger of  
 12 serious physical injury.

13 Accordingly, the Defendant King States  
 14 that per 28 U.S.C. § 1915 (g), the Courts  
 15 previous order Waiving plaintiffs fees, and  
 16 deferring plaintiffs fees must now be  
 17 Revoked.

18 I hereby declare that the Above Statement  
 19 and attached Public Records and Court Exhibits  
 20 are true to the best of my knowledge and  
 21 belief, and that I understand it is made  
 22 for use as evidence in this Honorable  
 23 United States District Court, for the  
 24 District of Oregon in Case No 2:15-cv-02390-SB,

1 And is subject to penalty for perjury.  
2

3 Dated this 16 Day of June, 2017.  
4

5 Respectfully Submitted,  
6

7 Tha A King JR  
8

9 Robert H. King, Jr 6217368

10 Pro Se Defendant

11 SRCL

12 777 Stanton Blvd

13 ONTARIO, OR 97914

14 No e-mail / No Telephone

15 Case No 2:15-cv-02390-SB

16 Declaration of Pro Se Defendant King.  
17

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

2:15 -cv- 02390-SB

U.S. District Court  
Oregon  
CERTIFICATE OF SERVICECASE NAME: Woodroffe v. Rosenblum, et al.CASE NUMBER: (if known) 2:15 -cv- 02390-SBCOMES NOW, Robert H. King, Jr - Pro Se Defendant and certifies the following:That I am incarcerated by the Oregon Department of Corrections at Snake River Correctional Institution, (SRCI)That on the 16 day of June, 2017, I personally placed in the Correctional Institution's mailing service A TRUE COPY of the following:Defendant King's Declaration in Support of Defendant King's Motion to Revoke the Plaintiffs Waiver of Fees with Exhibits

I placed the above in a securely enclosed, postage prepaid envelope, to the person(s) named at the places addressed below:

Clerk  
U.S. District Court  
District for Oregon  
Suite 740  
1000 S.W. 3rd Ave  
Portland, OR 97204Shannon Vincent  
Senior Assistant Attorney General  
(Defendant)  
Oregon DOJ  
1100 Court Street NE  
Salem, OR 97301Robert Woodroffe 5631215  
Pro Se Plaintiff  
TRC/  
82911 Beach Access Road  
Umatilla, OR 97882

(Signature)

Pro Se Defendant

Print Name

Robert H. King, Jr - Pro Se Defendant

S.I.D. No.: 6217368

SRCI

777 Stanton Blvd  
Ontario, OR 97141